

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GEOFFREY RANDALL SMITH,

Plaintiff,

v.

DECISION AND ORDER
14-CV-168A

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

The above-referenced case was referred to Magistrate Judge Michael J. Roemer, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 26, 2016, Magistrate Judge Roemer filed a Report and Recommendation (Dkt. No. 18), recommending that the Commissioner's motion for judgment on the pleadings (Dkt. No. 13) be denied, and that plaintiff's motion for similar relief in his favor (Dkt. No. 10) be granted. Magistrate Judge Roemer further recommended that this matter be remanded to the Commissioner for further administrative proceedings as indicated in the Report and Recommendation.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Roemer's Report and Recommendation, the Commissioner's motion for judgment on the pleadings is denied, and plaintiff's motion for similar relief in his favor is granted. It is further ordered that this matter be

remanded to the Commissioner for further administrative proceedings consistent with the Report and Recommendation.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: June 21, 2016